

HB 3835 -A13

Description of Amendments and Justification

Section 1 – Return “Chemical Restraint” definition to the definition in existing statute.

Why? We were unable to reach consensus on the best way to improve alignment with federal CMS guidelines on chemical restraint. Action: Keep existing definition and continue the conversation in the interim.

Section 8 – Add **escort** back in wherever it current reads “transported [*or escorted*]” *Why?*

Drafting error by legislative council.

Section 13 - Correct drafting error for ORS 418.521 (2) to point to ORS 418.523**(4)** not (5).

Why? Drafting error by legislative council.

Section 14 – Add in bolded text: (ii) **Place the child in care in involuntary seclusion as a form of** age-appropriate discipline, as defined by the Department of Human Services by rule, including placing the child in care in a time-out.

Why? Clarifies that this point is only related to age-appropriate discipline is not applicable to use of restraint and is only about time out.

Section 14 – Request for (7) to be removed.

Why? Intent by OHA was to add clarity, but it resulted in more questions and concerns. Does not change the fact that Medicaid providers are still required to be in compliance with Medicaid regulations.

Section 23 – Remove from bill to keep existing statute status quo.

Why? Drafting error by legislative council as schools were requested to be removed in their entirety.

Section 24 – Change “and” to an “or” (5) ‘Managers’ means the individuals at the highest levels of an organization’s leadership who have significant responsibility for the operations, finances **or** overall governance of the organization.

Section 27 – Keep “Agency Managers” only in Section 27 (2)(c) and 32 (5)(e) and remove all others – which I think are only in Section 30 and keep existing statute.

Why? Applies to both Section 24 and 27 changes. These changes clarify legislative intent of the level of authority within an agency that does not protect a child from abuse, fails to report abuse, does not cooperate with an investigation, or withholds financial records that **must** result in an action against the provider’s license.

Section 36 - (9) The department shall adopt rules prescribing the process for review of the out-of-state placement. At a minimum, the rules must:

- (a) Establish what constitutes significant alignment with licensure requirements for childcaring agencies under ORS 418.215 and 418.240;
- (b) Require a multidisciplinary team to monitor the progress of the child in the out-of-state placement;
- (c) **Require a member of the multidisciplinary team, in subsection (b) of this section, accompany the child as they travel to and from the out-of-state placement;**
- (d) Require in-person contact with the child in the out-of-state placement at least once every 15 days **by a member of the multidisciplinary team in subsection (b) of this section;** and
- (e) **Ensure the child’s rights in the out-of-state placement are in significant alignment with the rights they have in Oregon; and**
- (f) Ensure the child understands the child’s rights as a child in the care or custody of the department, including under the Oregon Foster Children’s Bill of Rights, and ensure that the child knows how to report violations of those rights to the State of Oregon.
- (g) **Establish the multidisciplinary response if a child’s rights have been violated or abuse has been reported in the out-of-state placement.**

Why? Adds more clarification on what was already intended to be put into Oregon Administrative Rule (OAR).

Section 36b. Need to add (4) to: (3)(a) Placement exceptions based on the approval of a responsible Medicaid entity as permitted under ORS 418.322 (3)(k) and **(4)**; and

(b) Placement of children or wards in adult settings as permitted under ORS 418.322(4); and *Why?*

Drafting error by legislative council.

Section 36b/39 – Amended by LC for SOCAC to have quarterly reporting to legislative committees and maintain the annual report summarizing info for the previous four quarters.

Why? Drafting error by legislative council.

Section 39a. ORS 419b.351 amended to ensure all out-of-state placements are subject to court approval not just placements in a Qualified Residential Treatment Program (QRTP).

Why? This was the intent of the proponents when court approval was added into the bill and was an oversight by legislative council.

Sections 40 and 41 Removed from the bill

Why? SB 944 passed to implement these statutory changes.

Section 48. (1) The quarterly reports described in section 36b (3) of this 2025 Act are first due on **October 1, 2025**.

(2) The quarterly reports described in ORS 419B.335 are first due on **January 1, 2026**.

(3) The quarterly reports described in ORS 419B.335 are first due on **October 1, 2025**.

Why? Drafting error by legislative council.